
**Criminal Justice & Corrections
Committee**

HB 2492

Brief Description: Imposing additional registration requirements on risk level III offenders.

Sponsors: Representatives Lovick, Strow, McDonald, Blake, Rodne, Conway, Haler, Ericks, B. Sullivan, Morrell, Green, Sells, Upthegrove and O'Brien; by request of Attorney General.

Brief Summary of Bill

- Expands the number of out-of-state sex and kidnapping offenders subject to the registration statute.
- Requires re-registration for level III sex offenders.
- Requires persons convicted of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct to register.
- Imposes criminal liability on a person who assists an unregistered sex offender.

Hearing Date: 1/17/06

Staff: Jim Morishima (786-7191).

Background:

In 1990, the Legislature enacted the Community Protection Act, which, among other things, created a sex offender registry in Washington. A sex or kidnapping offender must register with the county sheriff in the county where he or she resides. The offender must also notify the sheriff when he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, within certain guidelines, of a sex offender's presence in the community.

I. Out-of-State Registrants

A sex or kidnapping offender who moves to Washington from another state, or who is a former Washington resident returning to the state, must register within 30 days of establishing a residence in Washington. This requirement applies only to sex offenders convicted of offenses committed on or after February 28, 1990, and kidnapping offenders convicted of offenses committed on or after July 27, 1997.

II. Re-Registration

Sex and kidnapping offenders who lack a fixed residence must check in with the county sheriff once a week. However, offenders who have a fixed residence are not required to check in on a regular basis.

III. Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct

A person is guilty of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct if he or she knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct. The crime is an "unranked" class C felony (zero-12 months in jail for each offense). Offenders convicted of this offense are not required to register.

IV. Rendering Criminal Assistance

A person is guilty of rendering criminal assistance if he or she, with the intent to interfere with the apprehension or prosecution of another person he or she knows to have committed a crime or to have escaped from a detention facility:

- Harbors or conceals the person;
- Warns the person of impending discovery or apprehension;
- Provides the person with money, transportation, disguise, or other means of avoiding discovery or apprehension;
- Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of the person;
- Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of the person; or
- Provides the person with a weapon.

Rendering Criminal Assistance in the first degree occurs when the person is being sought for a class A felony. The crime is a class C felony with a seriousness level of V, unless the person is a relative, in which case the crime is a gross misdemeanor.

Rendering Criminal Assistance in the second degree occurs when the person is being sought for a class B or C felony. The crime is a gross misdemeanor, unless the person is a relative, in which case the crime is a misdemeanor.

Summary of Bill:

I. Out-of-State Registrants

All out-of-state registrants must register within 30 days regardless of when they committed their offenses.

II. Re-Registration

A level III offender with a fixed residence every 90 days. Failure to check in is a per se violation of the registration statute.

III. Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct

A person convicted of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct must register.

IV. Assisting an Unregistered Sex Offender

A person is guilty of an unranked class C felony if he or she has reason to believe that a person has not complied with the registration statute and, with the intent to assist the person elude law enforcement:

- Withholds information from, or does not notify, law enforcement;
- Harbors or attempt to harbor, or assists another to harbor or attempt to harbor, the person;
- Conceals or attempts to conceal, or assists another in concealing or attempting to conceal, the person; or
- Knowingly provides false information to a law enforcement agency regarding the person.

Appropriation: None.

Fiscal Note: Requested on January 11, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 2, which, because of prior double amendments, takes effect September 1, 2006.